



EFW

Atty. Dkt. No. 083847-0198

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Van Crocker et al.
Title: Nanometer-Scale Engineered Structures, Methods and Apparatus for Fabrication thereof, and Applications to Mask Repair, Enhancement, and Fabrication
Appl. No.: 10/689,547
Filing Date: October 21, 2003
Examiner: Ruggles
Art Unit: 1756

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully respond to the January 26, 2006 restriction requirement with traverse and do not necessarily agree or disagree with any of the Examiner's positions stated therein to the extent they can be understood. In the meantime, however, the Applicants elect with traverse group I including claims 1-73 and 79-82. The Applicants respectfully request in particular reconsideration on one point: that group III (claim 83) be examined in this application as the additional search effort is not believed to be large.

Without generating any admissions or estoppel, the applicants also submit their species election without prejudice, electing the phase shifting photomask (no. 2 of the ten species cited). Claims readable thereon in the various embodiments as presently understood include 1-4, 6-73, and 79-82.

If the Examiner has any questions about this response, he should contact the undersigned.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or any other provision, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 27, 2006

FOLEY & LARDNER LLP
Customer Number: 23533
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

By 

J. Steven Rutt
Attorney for Applicant
Registration No. 40,153